

**BEFORE THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

In Re: Application of Tiger Moving, LLC) Docket No. 2017-324-T
to Amend Class E (Household Goods))
Certificate of Public Convenience)
And Necessity No. 9801, along with a)
Request to Amend Tariff)
)

MOTION FOR EXPEDITED REVIEW OF APPLICATION

COME NOW APPLICANT Tiger Moving, LLC (the “Applicant”) who hereby moves pursuant to the rules of practice and procedure of the South Carolina Public Service Commission (“Commission”) that the Commission perform an expedited review of the Application of Tiger Moving, LLC to Amend Class E (Household Goods) Certificate No. 9801 along with a Request to Amend Tariff. The Applicant hereby requests that the Commission use its discretionary authority to informally dispose of the proceeding without holding a formal hearing. In support of this motion, the Applicants would show the following:

FACTUAL BACKGROUND

1. On November 4, 2013, the Applicant was granted a Class E (Household Goods) Certificate of Public Convenience and Necessity For the Operation of Motor Vehicle Carriers, which authorized the Applicant to transport household goods between points and places in Greenville, Spartanburg, and Anderson Counties, South Carolina. (See PSC/ORS Certificate No. 9801, attached as **Exhibit A.**)

2. Since that time, the Applicant has in fact transported household goods within the counties of Greenville, Spartanburg, and Anderson.

3. On October 18, 2017, the Applicant filed the current Application to: (a) amend its Class E Certificate No. 9801 to expand its Scope of Authority to “statewide”; and (b) amend its Tariff currently on file with the Commission to reflect a rate increase. (See Docket ID No. 272714.)

4. The Applicants published the required Notice concerning its Application in a newspaper of general circulation in the area where it seeks authority to operate on or before November 10, 2017, as required by the Commission. The Applicant filed proof of this publication with the Commission on January 10, 2018. (See Docket ID No. 273955.) The deadline for filing Petitions to Intervene in the proceeding was December 1, 2017. (See Docket ID No. 272878.) Applicant is unaware of the filing of any Petition to Intervene, and understands that the ORC likewise is unaware of the filing of any Petition to Intervene.

5. The Applicant has been informed by the ORS that it is aware of no consumer service issues concerning the Applicant’s operation in its current three-county territory. Furthermore, the Applicant has been informed by the ORS that it has conducted an impact study for the Applicant’s proposed rate increase, and has found no issue.¹

¹ Subsequent to publishing the required Notice concerning its application, the Applicant determined that additional minor changes to its proposed tariff were necessary. The revised tariff is attached hereto as **Exhibit B**, and has been filed separately with the Commission. The only differences between the revised tariff and the version submitted with the Application are: (a) an increase in the *weekend* rate from \$105 to \$115 per hour; (b) a new \$50 charge for moving stainless refrigerators and televisions of a size greater than 60 inches; and (c) a slight increase in the pricing on packaging paper and wardrobe boxes. The ORS has conducted an impact study on the revised tariff, has found no issue, and does not oppose the requested amendment of the tariff on an expedited basis. As a result of the ORS’ position on the issue and because the revisions to the tariff are minor and not material, Applicant requests a waiver of any requirement that the revised tariff be published, and requests that the revised tariff be approved by the Commission on an expedited basis.

6. On March 28, 2017, a telephone deposition of the Applicant's shipper witness, Ray Brown, was taken. Counsel for the Applicant and counsel for the ORS was present at the deposition. Mr. Brown's testimony, a copy of which is attached as **Exhibit C**, establishes that the public convenience and necessity is not already being served by existing authorized service.

7. The Verified Testimony of Joe Lewis, co-owner and Managing Partner of Applicant, is attached as **Exhibit D**. Through this testimony, the Applicant has established that it is fit, willing, and able to operate as a household goods mover throughout the State of South Carolina.

8. Counsel for the Applicant has consulted with Lessie Hammonds, counsel for the ORS, concerning this Motion for Expedited Review of Application. Counsel for the ORS indicated that the ORS finds the Applicant's Application to be in order, and that the ORS has no objection to this Motion for Expedited Review, including the Applicant's provision of shipper witness testimony by deposition, and company witness testimony by a verified writing.

DISCUSSION

9. The present Application is filed pursuant to Title 58 of the South Carolina Code. Title 58 and the South Carolina regulations envision that interested persons will be provided notice and an opportunity to be heard when requesting authority to provide services in South Carolina. In this proceeding, notice has been published as required by the Commission, and any interested person has thus had an opportunity to raise any issues or positions they may have with respect to the Application. Therefore, the Commission has satisfied any requirement of allowing all interested persons notice and an opportunity to be heard in this proceeding. Accordingly, the

Commission now has the discretion to consider the application without a full, evidentiary hearing.

10. Applicants seek expedited review of their application on the grounds that (1) the South Carolina Administrative Procedures Act (“APA”) grants the Commission flexibility regarding hearings in contested matters, (2) due process requirements are satisfied if the Applicant waives the right to a hearing when there is no disputed material issue of fact, and (3) notice and the opportunity to present written evidence is sufficient to provide the procedural due process protection required under the APA.

11. Administrative agencies in South Carolina “are required to meet minimum standards of due process. Due process is flexible and calls for such protections as the particular situation demands.” *Stono River Environmental Protection Association v. S.C. Dept. of Health and Environmental Control*, 406 S.E.2d 340, 342 (S.C. 1992) (internal citations omitted).

12. The APA provides that “[I]n a contested case, all parties must be afforded an opportunity for hearing after notice of not less than thirty days.” S.C. Code Ann. § 1-23-320(a) (Law. Co-op. Supp. 1998). The APA defines the term “contested case” as “a proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.” *Id.* § 1-23-310(2).

13. The APA ensures that procedural due process requirements are satisfied. The APA also provides considerable flexibility to administrative agencies regarding hearings for contested cases. “Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.” S.C. Code Ann. § 1-23-320(f) (Law. Co-op. Supp. 1998).

14. Notice of the Application at issue in this proceeding was published as required by the Commission's rules. Therefore, notice and an opportunity for a hearing have been provided as required by the APA and Title 58 of the South Carolina Code, and there have been no intervenors in this docket. The Applicant therefore respectfully requests that the Commission avail itself of the flexibility permitted by the APA and informally dispose of this proceeding without requiring a formal hearing.

15. It is appropriate to hold a formal hearing "where adjudicative facts involving the particular parties are at issue. Conversely, an agency may ordinarily dispense with hearing when there is no genuine dispute as to a material issue of fact." 2 Am. Jur. 2d *Administrative Law* § 298, at 311-12 (1994). In addition, the "right to a hearing . . . may be waived." *Id.* § 296, at 310. By this motion, the Applicant is requesting that the hearing for this docket be waived because a full evidentiary hearing on the application is unnecessary.

16. Counsel for the Applicant has consulted with Lessie Hammonds, counsel for the ORS, concerning this Motion for Expedited Review of Application. Counsel for the ORS indicated that the ORS finds the Applicant's Application to be in order, and that the ORS has no objection to this Motion for Expedited Review, including the Applicant's provision of shipper witness testimony by deposition, and company witness testimony by a verified writing.

WHEREFORE, the Applicant respectfully requests that the Commission waive its hearing requirement and approve the Application to: (a) amend the Applicant's Class E Certificate No. 9801 to expand its Scope of Authority to "statewide"; and (b) amend the Applicant's Tariff currently on file with the Commission to reflect a rate increase.

Respectfully submitted,

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